

Public Chapter 449

HOUSE BILL NO. 667

By Representative Bowers

Substituted for: Senate Bill No. 911

By Senator Cohen

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 2, Part 4, relative to adult day care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-2-401(5), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(5) "Related" means, for purposes of this part, a person who is related to the adult day care services recipient as a legal or biological parent, spouse, child, sibling, aunt, uncle, nephew or niece of any degree, grandparent or grandchild of any degree, or cousin to the third degree, or a step parent, or a step grandparent of any degree.

SECTION 2. Tennessee Code Annotated, Section 71-2-403, is amended by deleting the section in its entirety, and by substituting instead the following language:

The department, prior to issuing a new license shall ensure that each adult day care center has written documentation of a criminal background check on all employees and any volunteers included in the staff to client ratio. A past conviction of any crime, especially any crime involving misuse of funds or involving physical abuse shall, in the discretion of the department, be grounds for denial of a license.

SECTION 3. Tennessee Code Annotated, Section 71-2-412 is amended by deleting the first sentence in its entirety, and by substituting instead the following language:

The department shall require each adult day care center operated by a municipality or county or by a non-profit corporation and caring for ten (10) or more persons to have a governing board.

SECTION 4. Tennessee Code Annotated, Section 71-2-405, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The provisional license shall be issued only if:

(1) The adult day care center seeking a license and the applicant for licensure substantially meet the standards specified in this part and the regulations adopted pursuant to this part;

(2) There are no conditions existing in the adult day care center which jeopardize the health or safety of the adults in the facility; and

(3) The applicant has adopted a plan which is satisfactory to the department for the correction of any existing violations of any regulations.

SECTION 5. Tennessee Code Annotated, Section 71-2-405, is amended by deleting subsection (c) in its entirety and by redesignating subsequent subsections accordingly.

SECTION 6. Tennessee Code Annotated, Section 71-2-408, is amended by deleting the word "fine" from the catchline and by substituting instead the word "fee", and by deleting the word "fine" in subsection (b) and by substituting instead the word "fee".

SECTION 7. This act shall take effect July 1, 1997, the public welfare requiring it.